

Remarks

Claim 41 was rejected under 35 U.S.C. 112, second paragraph. This claim has been amended as suggested by the Examiner. Applicants submit that amended Claim 41 fully complies with 35 U.S.C. 112, second paragraph.

Claims 23 – 40 were objected to as containing non-elected subject matter. The Examiner states:

"The following generic concept as depicted in claim 23 is identified for examination along with the elected embodiment; Z is as defined; R₁ is Q-aryl or Q-heteroaryl wherein Q is –W-(CH₂)_m- and W is O, -NR₁₀, or -S- and m and n are 1; R₃, R_{4a}, R_{4b}, R₈, R₁₀, and Q are as defined. The remaining subject matter of claims 23 – 40 stands Withdrawn from further consideration under 37 CFR 1.142(b) as Constituting other patentably distinct inventions."

Claims 23, 29, and 31 have been amended to limit the definitions of "W" set forth above by the Examiner. Applicants request that the Examiner reconsider the "generic concept" as regards the variable "m" and "n".

The variable "m" specifies the length of the alkyl bridge between "W" and the "aryl" or "heteroaryl" group. Applicants submit such chain lengths do not support independent and distinct inventions and are commonly found in U.S. patents. Consideration of such variables in the generic concept will not constitute a burden to extend the search since they are art recognized.

Similarly, the variable "n" specifies whether there is one, two, or no substituents "R₃" on the A ring in the compounds of formula I. Applicants submit that such differences do not support independent and distinct inventions. Consideration of such variables in the generic concept will not constitute a burden to extend the search as it does not change the core of the claimed compounds.

For these reasons, it is urged that the Examiner reconsider and modify the generic concept to permit the definitions of "m" and "n" as recited in Claims 23 – 41.

Claim 24 was amended to clarify the point of attachment of the substituent R₃ in the structural formula shown in Claim 23.

Detailed Listing of Claims

1. Claims 1 to 22 (Canceled)
2. Claim 23 (Currently amended)
3. Claim 24 (Currently amended)
4. Claims 25 – 28 (Previously added)
5. Claim 29 (Currently amended)
6. Claim 30 (Previously added)
7. Claim 31 (Currently amended)
8. Claims 32 – 40 (Previously added)
9. Claim 41 (Currently amended)

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Date: June 23, 2003